

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL NO. 2:20-CR-13  
(KLEEH)

WILLIAM JOHN CLARK,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION [ECF NO. 117] AND  
DENYING DEFENDANT'S MOTION FOR MEDICAL RECORDS [ECF NO. 111]

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On September 1, 2021, Defendant William John Clark ("Defendant") filed a pro se request for medical records [ECF No. 111]. Pursuant to 28 U.S.C. § 636 and the local rules, the Court referred the motion to United States Magistrate Judge Michael J. Aloï (the "Magistrate Judge"). On March 14, 2022, the Magistrate Judge entered a Report and Recommendation ("R&R"), recommending that the Court deny the motion.

The R&R informed Defendant that he had fourteen (14) days from the date of service of the R&R to file "written objections identifying the portions of the Report and Recommendation to which objection is made, and the basis for such objection." It further warned him that the "[f]ailure to timely file objections . . . will result in waiver of the right to appeal from a judgment of this Court based upon such Report and

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Recommendation." Defendant accepted service of the R&R on March 15, 2022. To date, no objections have been filed.

When reviewing a magistrate judge's R&R, the Court must review de novo only the portions to which an objection has been timely made. 28 U.S.C. § 636(b)(1)(C). Otherwise, "the Court may adopt, without explanation, any of the magistrate judge's recommendations" to which there are no objections. Dellarcirprete v. Gutierrez, 479 F. Supp. 2d 600, 603-04 (N.D.W. Va. 2007) (citing Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983)). Courts will uphold portions of a recommendation to which no objection has been made unless they are clearly erroneous. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

Because no party has objected, the Court is under no obligation to conduct a de novo review. Accordingly, the Court reviewed the R&R for clear error. Upon careful review, and finding no clear error, the Court **ADOPTS** the R&R [ECF No. 117] and **DENIES** Defendant's motion [ECF No. 111].

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to counsel of record via email and the pro se Defendant via certified mail, return receipt requested, at the last known address as shown on the docket.

DATED: April 4, 2022

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Handwritten signature of Thomas S. Klee in black ink.

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THOMAS S. KLEEH, CHIEF JUDGE  
NORTHERN DISTRICT OF WEST VIRGINIA